

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 7
MIDNIGHT MADNESS DISTILLING, LLC,	:	Bankruptcy No. 21-11750-MDC
Debtor.	:	
<hr style="border: 0.5px solid black;"/>		
BONNIE FINKEL, in her capacity as Chapter 7	:	
Trustee for Midnight Madness Distilling LLC,	:	
Plaintiff,	:	
v.	:	Adversary No. 23-00047-MDC
Casey Parzych, et al.,	:	
	:	
Defendants.	:	
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ORDER

AND NOW, upon consideration of the Moving Defendants’¹ Motion to Dismiss.

It is hereby **ORDERED, ADJUDGED** and **DECREED** that:

1. The Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**, as follows:

- a. Count 1 is not dismissed as against any Moving Defendant.
- b. Count 2 is not dismissed as against any Moving Defendant.
- c. Count 3 is not dismissed as against any Moving Defendant.
- d. Count 4 is dismissed without prejudice as against Festa, Baldwin, Boyer, and Sheehan only, and is not dismissed as against all other Moving Defendants.

¹ Capitalized terms used herein but not defined shall have the meaning given to them in accompanying Memorandum.

- e. Count 5 is not dismissed as against any Moving Defendant.
- f. Count 6 is dismissed without prejudice as against all Moving Defendants.
- g. Count 7 is dismissed without prejudice as against all Moving Defendants.
- h. Count 8 is not dismissed as against any Moving Defendant.
- i. Count 10 is dismissed without prejudice against all Moving Defendants other than AgTech VI, EtOH, and Boyer, against whom Count 10 is not dismissed.
- j. Count 11 is dismissed without prejudice as against all Moving Defendants solely to extent it seeks turnover of (i) payments the Debtor allegedly made to Finland Leasing and ETP, and (ii) intellectual property and Work Product, as defined in the LLC Agreement.
- k. Count 12 is dismissed without prejudice as against all Moving Defendants.
- l. Count 13 is not dismissed as against Boyer.

2. The Plaintiff shall have until August 23, 2024 to file an Amended Complaint, failing which the Moving Defendants shall be authorized to file a motion to dismiss this action with prejudice for failure to prosecute.

Dated: July 23, 2024



MAGDELINE D. COLEMAN
U.S. BANKRUPTCY JUDGE